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| 10/798,308  | 03/12/2004  | Jeanne Guillou       | 01807.101444.       | 5786             |
| 5514 7590 07/21/2008<br>FITZPATRICK CELLA HARPER & SCINTO<br>30 ROCKEFELLER PLAZA<br>NEW YORK, NY 10112 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| KIM, CHONG R  |             |                      |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**CONTINUATION OF 11:**

Applicants argue that their claimed invention (claim 1) differs from the prior art because “nothing in Andrew would teach or suggest a method of defining qualities for a digital image signal encoded beforehand...since the quality layers are defined in the encoding stage.”

(Response, p. 9). The Examiner disagrees. In addition to setting the number of layers during the encoding step 518, Andrew explains that a quality reduction factor (QRF) is selected in step 512 to define the qualities for the digital image signal encoded beforehand in step 518. (par. 71 and figs. 5-7). Therefore, contrary to what Applicants contend, Andrew discloses defining qualities for a digital image signal encoded beforehand.

Applicants other arguments are unpersuasive because they are premised on the erroneous contention that the image signal in Andrew has not been encoded when the qualities are defined.

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